

**SIGN CONTROL ORDINANCE
TRANSYLVANIA COUNTY, NORTH CAROLINA**

ARTICLE I

SHORT TITLE

This Ordinance shall be known and cited as the Sign Control Ordinance of Transylvania County, North Carolina.

ARTICLE II

AUTHORITY

Pursuant to the authority and provision conferred in Chapter 153A-121(a) of the North Carolina General Statutes, the Transylvania County Board of Commissioners hereby ordain and enact into law these Articles and sections.

ARTICLE III

PURPOSE

1. To guide and regulate the construction and placement of signs in Transylvania County in order to preserve the scenic and aesthetic features and the quality of life for the residents and visitors.

The Board of Commissioners is aware of, and sensitive to, the need for local businesses to adequately identify their products and services and is committed to safeguarding the interests of local businesses while providing reasonable regulations.

2. To insure the safety of the local and visiting motorist on the roads in Transylvania County by reducing the distracting influence of uncontrolled signs throughout the County.

ARTICLE IV

JURISDICTION

This Ordinance shall apply to all areas of Transylvania County located outside any incorporated city or town planning or extraterritorial jurisdiction. Municipalities within Transylvania County may elect to allow this Ordinance to be effective within their corporate limits. This Ordinance shall not apply within any municipality's extraterritorial jurisdiction.

ARTICLE V

DEFINITIONS

SECTION 1: For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

- 1.1 Copy - The characters, letters or illustrations displayed on a sign face.
- 1.2 Directional Sign - All off-premise signs providing directions to a business, office or other activity. If a sign contains any additional message or exceeds the maximum area, it shall be construed as an off-premise advertising sign.
- 1.3 Directly Illuminated Sign - A sign designed to give forth artificial light directly (or through transparent or translucent material) from a light source within or attached to such sign.
- 1.4 Dwelling Unit - A house, apartment or a group of homes occupied or intended for occupancy as separate living quarters for one or more humans.
- 1.5 Exempt Sign - Any sign which is specifically listed as exempt from this Ordinance. Exempt signs are not regulated by the terms of this Ordinance and shall not require a permit.
- 1.6 Freestanding Sign - The general term for any sign which is supported from the ground and not attached to a building.
- 1.7 Indirectly Illuminated Sign - A sign designed to have illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs.
- 1.8 Nonconforming Sign - Existing signs that are constructed and in place prior to the adoption of this Ordinance and which do not conform to the provision of this Ordinance, as amended, are declared nonconforming signs. An illegal sign is not a non-conforming sign.
- 1.9 Off-Premise Sign - Any sign advertising a product, service, business or activity, located or conducted elsewhere than on the premises where the sign is located.
- 1.10 On-Premise Sign - A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location on the premises where the sign is located.
- 1.11 Permanent Sign - A sign is permanently affixed to the ground if its supporting elements are set in a concrete base in the ground or the sign is otherwise securely fastened to the ground or another permanent structure and is intended to remain in one location for an indefinite period.
- 1.12 Portable Sign - Any freestanding sign that is not permanently affixed to the ground. Without limiting the generality of the foregoing, portable signs shall include any sign mounted on a trailer or on wheels as well as "V" shaped or sandwich signs that can with little difficulty be moved from place to place.
- 1.13 Setback - The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member.
- 1.14 Shopping Center - A development having five (5) or more establishments located on the same parcel or on abutting parcels and planned as an integrated development.
- 1.15 Sight Distance Triangle - The land adjoining a road intersection that is kept clear of obstructions between three and seven feet above ground as measured along the road flow lines above ground to ensure visibility and the safety of motorists and pedestrians. The protected sight distance area is the triangle with legs that are the intersecting flow lines of two roads at an intersection. Where local roads meet, the legs shall extend at least

thirty-five (35) feet each way from the intersection of the edge of the traveled way.

- 1.16 Sign - Any display of letters, words, numbers, figures, devices, emblems, pictures, logos, or any other means whereby the same are made visible for the purpose of making anything know, whether such display be made on, or attached to, or as a part of a structure, surface, or any other object whether natural or man made.
- 1.17 Sign Area (Sign Face) - The area of a sign shall be considered to be that of the smallest rectilinear figure which encompasses all lettering, wording, design or symbols, together with any background difference on which the sign is located, if such background is designed as an integral part of and related to the sign. All cut-outs or extensions shall be included in the area of a sign. Supports and bracing which are not intended as part of the sign shall be excluded.
- 1.18 Sign Height - Sign height shall be measured from the ground directly below the center of the sign or from the road grade of the closest point in the road the sign is located along, whichever is higher, to the sign or sign structure's highest point.
- 1.19 Temporary Sign - A sign that is displayed only for a specific period of time. If a sign display area is permanent but the copy displayed is subject to change, that sign shall not be regarded as temporary.

ARTICLE VI

SIGN REGULATIONS

SECTION 2: Sign Regulations - Signs constructed, placed or maintained, except as otherwise prohibited, exempted or not permitted by this Article, require a sign permit. Signs permitted by this Ordinance shall be constructed in accordance with the NC State Building Codes, as amended.

SECTION 3: Signs Exempted - The following signs are exempt from this Ordinance:

- 3.1 Government signs including, but not limited to, traffic warning or regulatory signs including building identification, directional, information and welcome signs.
- 3.2 Trade names and graphics which are located on newspaper, soft drink, gasoline pumps and similar vending devices.
- 3.3 Flags or insignia of any governmental or non-profit organization when not displayed as an advertising device.
- 3.4 Warning signs posted by utility or construction companies.
- 3.5 Commemorative tablets, markers or monuments constructed by or with the permission of the Transylvania County Board of Commissioners.
- 3.6 Signs on operational motor vehicles indicating the name of a business, when the vehicle is not intended to be used solely for a display of signs.
- 3.7 Signs required by law, statute or ordinance.
- 3.8 Directional signs to commercial business or direction for sale of real estate or personal property, such as temporary realtor's signs and yard sale signs.
 - 3.8.1 Directional signs shall not exceed thirty-two (32) square feet in area per sign face and shall not exceed eight (8) feet in height or length per sign face and shall have a maximum height of twelve (12) feet.
 - 3.8.2 Not more than three (3) off-premise directional signs shall contain directions to the same activity or business location on the same road.

3.8.3 Garage sale and/or yard sale signs may be posted for a maximum of seven (7) days.

3.9 Temporary signs, decorations or displays which are associated with any national, local or religious holiday or celebration for a maximum time period of thirty (30) calendar days before and ten (10) calendar days after.

SECTION 4: Signs Prohibited - The following signs are prohibited.

- 4.1 Signs obstructing the view of motorists entering or exiting roads or highways, or interfering with the driver's view of approaching, merging or intersecting traffic.
- 4.2 Signs creating unsafe distractions to motorists by incorporating flashing or blinking lights or signs with moving parts or parts which simulate movement, not including signs having only time and temperature messages. Signs with beams or rays of light which are directed on any residential dwelling or at any portion of a roadway and are of such intensity as to impair a driver's vision thereby interfering with the operation of a motor vehicle. No illuminated sign shall interfere with or obscure an official traffic sign, device or signal.
- 4.3 Any non-governmental sign resembling a public safety warning or traffic sign.
- 4.4 Signs, whether temporary or permanent, within any road or highway right-of-way, with the exception of governmental signs.
- 4.5 Signs constructed or maintained upon trees and utility poles or painted or drawn upon natural rock formations or other natural features.
- 4.6 Off-premise signs designed to be visible from a road, or a portion thereof, designated as a Scenic Corridor by the Transylvania County Board of Commissioners.
- 4.7 Signs containing words or graphics that are obscene, as defined in Chapter 15 of the North Carolina General Statutes.

SECTION 5: Off-Premise Sign Regulations

- 5.1 Off-premise signs shall not exceed one hundred fifty (150) square feet per sign face, shall not exceed twenty (20) feet in horizontal length per sign face and shall have a total height no greater than twenty-five (25) feet.
- 5.2 Off-premise signs shall be no closer than the edge of the right-of-way or no closer than twenty (20) feet from the edge of the traveled way, whichever is greater. All signs and sign structures shall be located at least twenty-five (25) feet from abutting property lines and outside of all sight visibility triangles.
- 5.3 Off-premise signs shall be at least two thousand (2,000) linear feet as measured along any roadway center line from any other off-premise sign; at least five hundred (500) linear feet from any intersection of the center line of all roads, at-grade railroad crossings or bridges; and at least five hundred (500) linear feet from the nearest point of any dwelling unit, church or building used for worship located within six hundred sixty (660) linear feet of the right-of-way.
 - 5.3.1 A property owner may have an off-premise sign placed on his property closer than five hundred (500) feet from his personal residence provided that he submit a written and notarized statement identifying him as the property owner and that the proposed sign will meet all other requirements of this Ordinance.
- 5.4 Off-premise signs shall not be attached to or painted onto any building or structure.
- 5.5 Off-premise signs shall have only one (1) sign face per side for no more than a total of two (2) sign faces per sign structure.

- 5.6 No off-premise sign shall be located on the same parcel as an on-premise sign or within fifty (50) feet of an on-premise sign
- 5.7 Off-premise temporary portable signs are prohibited.

SECTION 6: On-Premise Sign Regulations

- 6.1 On-premise freestanding signs shall not exceed one hundred and fifty (150) square feet per sign face and shall have a total height no greater than twenty-five (25) feet.
- 6.2 On-premise attached signs shall not exceed a cumulative area of one hundred fifty (150) square feet per sign face and shall have a total height no greater than twenty-five (25) feet.
- 6.3 On-premise freestanding signs shall have only one (1) sign face per side for no more than a total of two (2) sign faces per sign structure.
- 6.4 On-premise signs shall be no closer than the edge of the right-of-way or no closer than twenty (20) feet from the edge of the traveled way, whichever is greater. All signs and sign structures shall be located at least twenty-five (25) feet from abutting property lines and outside of all sight visibility triangles.
- 6.5 Single parcels with one establishment may have one (1) freestanding sign and one (1) sign attached to the building per public road frontage.
- 6.6 Multiple establishments on a single parcel or shopping centers may construct one (1) freestanding group or identification sign per public road frontage. In addition, each establishment may construct one (1) attached sign to the building per public road frontage of each establishment.

SECTION 7: Temporary Portable Sign Regulations

- 7.1 On-premise temporary portable signs shall be allowed for a maximum of fourteen (14) consecutive calendar days and may be displayed once at six-month period intervals.
- 7.2 Only one (1) temporary portable sign shall be allowed per establishment. In no instance shall any two (2) portable signs be closer than seventy- five (75) feet apart.
- 7.3 Temporary portable signs shall be located no closer than the edge of the right-of-way or no closer than twenty (20) feet from the edge of the traveled way and outside of all sight visibility triangles.
- 7.4 Temporary portable signs shall not exceed an area of thirty-two (32) square feet or a height of five (5) feet.
- 7.5 Temporary portable signs shall not be illuminated or employ flashing lights or have intermittent or moving parts.
- 7.6 Temporary portable off-premise signs are prohibited.

ARTICLE VII

SIGN MAINTENANCE, ABANDONED SIGNS, TREE CUTTING

SECTION 8: Maintenance - All signs and their structures shall be maintained by the sign owner and/or the owner of record of the real property upon which the sign is located in good repair, and safe condition and shall conform to the standards in this section. Maintenance carried out in accordance with this section shall not require a sign permit, provided the sign is not enlarged, moved or altered in any manner which would create or increase a nonconforming condition. Any sign violating these requirements shall be repaired or removed as required.

- 8.1 No sign shall be allowed to have more than twenty percent (20%) of its total surface area covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions for more than thirty (30) consecutive days.
- 8.2 No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which causes the sign to stand more than fifteen (15) degrees from the perpendicular for more than thirty (30) consecutive days.
- 8.3 No sign or sign structure shall be allowed to have weeds, vines or other vegetation obscuring more than twenty percent (20%) of the sign from the road or highway from which it is intended to be viewed for more than thirty (30) consecutive days.
- 8.4 No illuminated sign shall be allowed to stand with only partial illumination for more than thirty (30) consecutive days.
- 8.5 No sign or sign structure shall be allowed to stand if a business no longer exists and the issued permit is not transferred within one year.

SECTION 9: Unlawful Cutting of Trees or Shrubs - No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim or remove any trees, shrubs or other vegetation located within any public road or highway right-of-way, except where a legal permit has been obtained from the NC Department of Transportation.

SECTION 10: Modification of Support Structures - A sign's structure may be modified by removing wooden poles and replacing them with a single metal support pole. If a nonconforming sign's support structure is modified, the entire sign structure and sign face shall be made to conform to all requirements of this Ordinance except for the established minimum spacing distance. Before such modification can take place, the sign owner must obtain a permit for the proposed modification.

ARTICLE VIII

PERMITS, FEES AND NONCONFORMING SIGNS

SECTION 11: Permits - All signs, except as otherwise provided in Article VI of this Ordinance shall require a sign permit prior to being constructed, placed or repaired. Sign permits shall be issued by the Sign Enforcement Officer. If a sign permit is denied, the decision may be appealed to the Transylvania County Planning Board within thirty (30) days of the decision.

SECTION 12: Permit Application - No permit shall be issued until an application for each separate sign or sign structure is completed, submitted and approved by the Sign Enforcement Officer. The initial permit shall be valid until revoked by the Sign Enforcement Officer.

SECTION 13: Permit and Permit Emblem - A permit along with a permit emblem shall be issued upon proper application and approval. New sign structure construction shall not commence until a permit and emblem are issued. The sign structure must be completely constructed and erected with the permit emblem affixed within 180 days from the date of the permit issuance. During the 180 day period newly permitted sign structures shall be considered in existence for the purpose of spacing signs.

The permit emblem shall be placed on sign structures in such a position as to be visible from the nearest adjacent road.

SECTION 14: Permit Fees - Initial fees are required to be paid for the permitting of all new sign structures. Existing sign structures are exempt from the initial permit fee. A fee schedule shall be determined by the Transylvania County Board of Commissioners and posted in the Transylvania County Building Inspections Office.

SECTION 15: Registering Existing Signs - If the existence of a sign prior to the adoption of this ordinance is questioned, the issue will be determined by the Sign Enforcement Officer with the advice of the Planning Director and the sign owner using a county roadway video tape made on September 20, 1991. Signs found to be in violation shall be removed at the owner's expense.

SECTION 16: Permit Revocations - Sign permits for new and permitted nonconforming signs may be revoked for any one of the following reasons:

- 16.1 Misrepresenting material facts by the applicant on the permit application form.
- 16.2 Failing to construct the sign structure and affix the permanent emblem within 180 days from the permit issue date.
- 16.3 Altering, enlarging or relocating a permitted sign structure, except in conformance with the requirements of this Ordinance.
- 16.4 Allowing a sign to remain blank for a period of twelve (12) consecutive months or reaching a state of dilapidation or disrepair as determined by the Sign Enforcement Officer.

SECTION 17: Nonconforming Signs - Legal nonconforming signs may continue to exist provided that no nonconforming sign shall be:

- 17.1 The sign is not changed or replaced with another nonconforming sign, except that copy may be changed on an existing sign.
- 17.2 The sign is not expanded or modified in any way which increases the sign's nonconformity.
- 17.3 An existing nonconforming sign that is damaged or destroyed may be re-established provided that all requirements of this Ordinance are met except distance between signs and the sign is no larger than the one damaged or destroyed.

SECTION 18: Notice Given for Refusing to Issue Permit - The Sign Enforcement Officer shall refuse to issue a permit for a proposed sign structure that will not conform to this Ordinance and shall notify the owner of the proposed sign structure by first class mail as to why the proposed sign does not comply.

SECTION 19: Reconstruction of Damaged Signs or Sign Structures - Any conforming sign or sign structure which has been damaged may be repaired or replaced and used as before, by the sign owners and/or the owners of record of the real property where the sign is located, provided all repairs are initiated within thirty (30) working days and completed within sixty (60) working days of such damage. However, if the sign should be declared unsafe by the Sign Enforcement Officer, the owner of the sign or the owner of record of the real property whereon the sign is located, shall immediately correct all unsafe conditions to the Sign Enforcement Officer's satisfaction.

As a courtesy to the sign owner, if the Sign Enforcement Officer discovers that a sign is damaged or is in an unsafe condition, the Sign Enforcement Officer will promptly notify either the sign owner or the owner of record of the real property whereon the sign is located. The affirmative duty and liability shall, however, remain with the owner of each sign to keep each sign in a safe and undamaged condition in accordance with the terms of this Ordinance.

ARTICLE IX

ADMINISTRATION, ENFORCEMENT, APPEALS, PENALTIES

SECTION 20: Administration - The Board of Commissioners appointed the Building Permitting and Enforcement Department to administer this Ordinance. The Building Director or his appointee shall be known as the Enforcement

Officer. The Enforcement Officer shall enforce all provisions of this Ordinance. The Enforcement Officer shall also have the following authority:

- 20.1 Violation Notice. A Violation Notice shall be delivered by certified mail, return receipt requested, or by such other method as allowed by law, to the owner of the sign in violation of the Ordinance. Whenever the owner of the sign cannot be located and notified, said notice shall be delivered to the owner of record of the real property whereon the sign is located. The time period provided herein shall commence upon receipt of such Violation Notice. The Violation Notice shall identify the sign and shall describe the nature of the violation, refer to the section of the Ordinance violated, specify in detail what action must be taken to correct the violation and specify in detail what action must be taken to correct the violation and specify all potential enforcement penalties that may apply. Violations shall be corrected within fifteen (15) calendar days unless Enforcement Officer grants an extension.
- 20.2 Compliance Order. A Compliance Order for any sign or sign structure not corrected within the time allotted under the Violation Notice or for a prohibited sign or any temporary portable sign not permitted as established by this Ordinance. A Compliance Order shall be delivered to the sign owner and to the owner of record of the real property whereon the sign is located in the same manner as set out for a Violation Notice and shall not be effective until received. The Compliance Order recipient shall be allowed thirty (30) calendar days to remove the subject sign at owner's expense. Owners of temporary portable signs shall have five (5) working days to remove the subject sign at owner's expense. The Compliance Order shall identify the sign and refer to the section of the ordinance violated. Any reoccurring temporary portable sign violation(s) occurring within a six (6) month time period shall be deemed, for purposes of assessing a penalty, a continued violation.
- 22.3 Unsafe Sign Notice. Should any sign or sign structure become imminently unstable or in danger of falling or otherwise unsafe, an Unsafe Sign Notice shall be delivered to the sign owner or to the owner of record of the real property whereon the sign is located in the same manner as set out for a Violation Notice except that the recipient of the notice shall immediately, in the case of imminent danger, secure or remove the sign in a manner to be approved by the Sign Enforcement Officer in conformance with the provisions of this Ordinance. If the condition prompting the notice is not corrected within twenty-four (24) hours after receipt of the notice, the Sign Enforcement Officer shall have the authority to remove the sign at the recipient's expense.

SECTION 23: Appeals - Violation Notices and Compliance Orders issued by the Sign Enforcement Officer may be appealed to the Transylvania County Planning Board within thirty (30) working days of receipt of notice. Pending appeal, the time limits set out in the notice or order shall be suspended. If the Planning Board finds that the action of the Sign Enforcement Officer has been taken for good cause and in accordance with this Ordinance, it shall so declare and the time period for compliance shall run from the issuance of that Board's finding. If the Planning Board sustains the appeal of the petitioner, no further action will be taken by the Sign Enforcement Officer.

SECTION 24: Violations and Penalties - After due notice and order as provided above for any violation of the terms of this Ordinance, the Sign Enforcement Officer or the County Attorney may issue a citation imposing a penalty, in addition to legal expenses, of not more than one hundred dollars (\$100.00) on the owner of the sign in question or on the owner of record of the real property whereon the sign is located whenever the owner of the sign cannot be located and notified of said citation. In the case of continuing violation, each twenty-four (24) hour period in which the violation exists shall constitute a separate violation. In addition to the above described penalty, the county may enforce this Ordinance by any one or more of the remedies authorized by Chapter 153A-123 of the General Statutes, with the exception of 153A-123(b).

ARTICLE X

LEGAL STATUS PROVISIONS

SECTION 25: Conflict With Other Laws - Whenever the regulations of this Ordinance conflict with the requirements of another statute, the more restrictive standard shall govern.

SECTION 26: Variances - Where strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Planning Board may authorize a variance, if such variance can be made without destroying the intent of this Ordinance. Any variance thus authorized is required to be entered in writing in the minutes of the meeting of the Planning Board and the reasoning on which the departure was justified set forth.

SECTION 27: Noncommercial Messages - Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting and spacing, or other requirements of this Ordinance.

SECTION 28: Separability - Should any section of provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 29: Effective Date - This Ordinance shall take effect and be enforced on and after the date of its adoption by the Board of Commissioners of Transylvania County, this 23rd day of September, 1991. Amended September 26, 1994, June 26, 1997 and December 8, 2003.

/s/
Jason R. Chappell, Chairman
Board of Commissioners

/s/
Trisha Hogan, Clerk to Board
of Commissioners